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Opinion • Commentary

Flawed by Our Constitution

Paris.

ONLY IN AMERICA can an Irangate affair soar to the same altitudes of publicity and receive the same density of attention. The way we do these things leaves nearly everyone else amazed.

A French commentator has described the Iran-contra congressional hearings as still another case of

By William Pfaff

"American masochism." They are, he tells his readers, an affair "which will go on for months, interrogating the leading officials of the administration as if they were criminals, in the course of which the planet's leading democracy once more is given over to that self-flagellation of which it alone has the secret . . . finishing with the presidency checked and weakened — and with it, the whole free world."

The writer, Patrick Wajsman, remarks that while he understands "the grip which legalism has on American society . . . is it not a menace to be so obsessed with quasi-mystical regard for rules and procedures as to ignore the fact that the interests of state must sometimes override all other considerations?"

This is a very widely held view among America's allies, certainly its West European allies. *Raison d'etat* must sometimes prevail, and Americans are thought too "naive" or too "inexperienced" — or too given over to internal political controversy — to act in the way a great power must sometimes act.

The American answer to this, I think, is not to deny the charge but to refine it. To begin with, it is false to say that American government is incapable of the illegal, expedient and amoral actions implied in the concept of *raison d'etat*. Nor is it true that American public opinion — or even liberal opinion — or the Congress invariably disapproves of them. The record of American policy in the Cold War, and of public support for that policy, including support for the famous "dirty tricks," demonstrates the contrary.

Today, a successful pro-Western coup in Iran or the CIA assassination of Col. Muammar el Kadafi, illegal in both American and international law, would nonetheless be cheered by the overwhelming majority of Americans. Americans like what their government does clothed in high-minded phrases and accompanied by moralizing pronouncements; but so do most people.

The "dirty tricks" which the American public has condemned have mostly been those which were stupid, pointless and either unsuccessful or eventually producing the opposite result of that intended — the Bay of Pigs, domestic wiretapping, the Allende affair, secret arms sales to Iran.

What the critics abroad really are objecting to, without acknowledging or perhaps recognizing it, is the internally confrontational way in which American government works. They are objecting to the constitutional division of power in the United States which puts Congress in perpetual tension, if not open warfare, with the executive branch of government, and which gives the executive constant reason to search for ways to bypass or outwit Congress.

It is this that is at the source of Irangate, Watergate and the repeated controversies over what the CIA should and should not do. It is the principal reason the United States has so much difficulty conducting a consistent foreign policy.

No other country has this problem because no other major nation has this political system. In other democracies the executive is formed by men and women drawn from the parliament and responsible to it. The American system was created to be different. The branches of government deliberately were set against one another in order to check abusive power. It is an extremely wasteful and inefficient system, but there is a reason for it.

It certainly is not a system made for a nation conducting a complicated world policy with secret diplomacy, clandestine conflicts and secret operations. The United States has succeeded thus far as a world power because of its overwhelming physical and economic strength — its virtual invulnerability — and because public support for the nation's foreign policy was virtually unanimous from the 1940s to the mid-1960s, thus minimizing executive-congressional conflict.

Today the power is no longer so great, and relative to other countries is declining; public opinion is split on the great issues, and Congress, accordingly, constantly challenges the president's initiatives and calls him to account, as in the contra affair. In these changing circumstances, the disadvantages of the American system grow constantly more costly.

They might prove more costly than most Americans are prepared to admit. In imaginable circumstances they could prove fatal. Yet I do not see that there is much to be done about it. The United States is and will remain, in this respect, a flawed great power. The flaw does not lie in the national character, but in the nation's Constitution, 200 years old this year, and likely to be here for a long time to come.